

**EXPLANATORY MEMORANDUM TO THE
EMPLOYMENT APPEAL TRIBUNAL (AMENDMENT) RULES
2004**

2004 No. 2526

1. This Explanatory Memorandum has been prepared by the Department of Trade and Industry and is laid before Parliament by Command of Her Majesty.

Description

2. The Employment Appeal Tribunal (Amendment) Rules 2004 (“the Rules”) amend the Employment Appeal Tribunal Rules 1993 (“the EAT Rules”). They introduce minor changes in the EAT Rules to ensure consistency with the new Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (SI 2004/1867)(“the ET Regulations”). They also make minor changes to the procedure for dealing with appeals from Employment Tribunals. The provisions in relation to costs have also been changed so that they are as consistent as possible with those now in the Employment Tribunals. They also make provision for appeals arising out of matters covered by the European and Public Limited – Liability Company Regulations 2004 (SI 2004/2326)(“the Company Regulations”).

Matters of special interest to the JCSI

There are none in the substance of the Rules.

Legislative Background

4. Sections 22 and 24 to 28 of the Employment Act 2002 amended various sections of the Employment Tribunals Act 1996 (c.17) relating to powers to make Employment Tribunal procedure regulations. Those amendments allow tribunal reform to be implemented on the following matters: costs, conciliation, prescribed forms, determination without a hearing, practice directions and pre-hearing reviews.

Section 23 of the Employment Act 2002 also made similar provision in relation to costs applicable to the Employment Appeal Tribunal procedure rules. This instrument implements those changes and other changes consequent on the changes in the procedure before the Employment Tribunals as well as those required as a result of the Company Regulations

5. **Extent**

These Rules apply to England, Wales and Scotland.

6. European Convention on Human Rights

In my view the provisions of these Rules are compatible with the Convention rights (as defined in section 1 of the Human Rights Act 1998).

7. Policy background

The revision of the EAT Rules is part of a package of measures designed to improve radically the legal framework for the resolution of workplace disputes in Great Britain. Public consultation was carried out on the proposed changes. There were 27 responses to the public consultation. The President of the EAT and the Lord President were also individually consulted. The changes introduced by the Rules are no of special legal or political importance.

8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Steve Walker, DR1, 1 Victoria Street, London SW1H 0ET
Tel: 020 7215 5709; E-mail: steve.walker@dti.gsi.gov.uk

DEPARTMENT OF TRADE AND INDUSTRY